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 UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

HEWLETT PACKARD COMPANY	)	Case No. C-06-04313 RMW
Plaintiff,	)	
v.	)	STIPULATION AND ORDER FOR
	)	ADMINISTRATIVE DISMISSAL
UNITED STATES OF AMERICA,	)	
Defendant.	)	

WHEREAS, plaintiff Hewlett-Packard Company ("Plaintiff") brought this action against defendant United States of America (the "Defendant") to recover federal communications excise taxes ("FET") that were collected from it and paid to the Internal Revenue Service ("IRS") in

STIPULATION AND ORDER FOR  
 ADMINISTRATIVE DISMISSAL

1 connection with Plaintiff's purchase of certain communications services during the period July 1,  
2 2002 through March 31, 2006; and

3 WHEREAS, the parties have determined that Plaintiff's claim for a refund of FET should  
4 be pursued administratively with the IRS; and

5 IT IS HEREBY STIPULATED, AGREED AND ORDERED that

6 1. This action is hereby administratively dismissed without prejudice, with a right to  
7 be reinstated; and

8 2. Plaintiff's claims for a refund of FET shall be submitted to the IRS for a resolution;  
9 and

10 3. Plaintiff shall have the right to reinstate this case against Defendant if Plaintiff  
11 objects to the treatment of its refund claim by the IRS and, once reinstated, such case  
12 shall proceed as if it had not been dismissed; and

13 4. Nothing contained herein shall be construed to limit Plaintiff's rights under 26  
14 U.S.C. § 6532 and 26 U.S.C. § 7422.

15 Dated: November 16, 2006

HOGAN HOLMES & USOZ LLP

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22 Attorneys for Plaintiff  
HEWLETT PACKARD COMPANY

23 Dated: November 15, 2006

UNITED STATES ATTORNEY

24 S/\_\_\_\_\_  
25 KEVIN V. RYAN  
26 JAY R. WEILL  
DAVID L. DENIER

27 Attorneys for Defendant  
28 UNITED STATES OF AMERICA

1 IT IS SO ORDERED.

2  
3 Date: 11/16/06

/s/ Ronald M. Whyte

4 HONORABLE RONALD M. WHYTE  
5 UNITED STATES DISTRICT COURT  
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